

STANDARD APPLICATION  
Harford County  
Board of Appeals  
Bel Air, Maryland 21014

JUN 12 2006

Case No. ~~5554~~ 5553  
Date Filed 6/8/06  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$600.00

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code Special

- ☐ Administrative Decision/Interpretation  
☒ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

CASE 5553 MAP 47 TYPE Special Exception

ELECTION DISTRICT 04 LOCATION 2618 Greene Road, Baldwin 21013

BY Blake and Peggy Canfield

Appealed because a special exception pursuant to Sec. 267-53D(1) of the Harford County Code to allow commercial vehicle and equipment storage and a special exception pursuant to Sec. 267-53H(1) of the Harford County Code to allow construction services in the AG District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Blake E. Canfield Phone Number 410-557-7986  
Address 2618 Greene Road, Baldwin, Maryland 21013  
Street Number Street City State Zip Code

Co-Applicant Peggy A. Canfield Phone Number 410-557-7986  
Address 2618 Greene Road, Baldwin, Maryland 21013  
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative Meaghan G. Alegi, Esquire Phone Number 410-838-5500  
Address 200 South Main Street, Bel Air, Maryland 21014  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 2618 Greene Road, Baldwin, Maryland 21013

Subdivision N/A Lot Number 3

Acreage/Lot Size 8.01 acres Election District 4th Zoning AG

Tax Map No. 47 Grid No. 1A Parcel 511 Water/Sewer: Private XX Public

List ALL structures on property and current use: two-story residential dwelling, three-bay garage and detached pole barn

Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes  No X

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes X No

Is this request within one (1) mile of any incorporated town limits? Yes  No X

## Request

SEE ATTACHED

## Justification

SEE ATTACHED

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

**Board of Appeals**

**ATTACHMENT**

**Applicants:** Blake E. Canfield and Peggy A. Canfield  
2618 Greene Road  
Baldwin, Maryland

**Subject Property:** 2618 Greene Road  
Baldwin, Maryland 21013  
Map: 47, Parcel: 511, Lot: 3

**Special Exception Approval**

**Request No. 1:**

A Special Exception pursuant to Section 267-53(D)(1) of the Harford County Code to allow commercial vehicle and equipment storage in the Agricultural District (AG).

**Justification:**

Pursuant to Harford County Code, §267-53(D)(1), the Applicants are requesting a Special Exception to store commercial vehicles and equipment on their agriculturally zoned property. Pursuant to Section 267-53(D)(1), the conditions prerequisite to the granting of this Special Exception are: 1) that the vehicles and equipment are stored entirely within an enclosed building *or* that they are fully screened from view of adjacent residential lots and public roads; and 2) that the parcel be a minimum of 2 acres.

The Property is approximately 8 acres and is zoned AG. It is currently improved by a two-story residential dwelling, attached three-bay garage and a detached pole barn. Blake E. Canfield, one of the owners of the property, is the President of Blake Canfield and Son, Inc., which is a home improvement, construction business. The Applicants seeks approval to locate 4 commercial vehicles, 2 pieces of equipment, 5 trailers and 4 dumpsters on the site. The vehicles and all business equipment will be fully screened from view of adjacent residential lots and public roads. Attached hereto is a Landscaping Plan which clearly shows that, in compliance with the Zoning Code, the vehicles and equipment will be fully screened from adjacent lots and public roads. Attached is an aerial photograph of the Property identifying and depicting the property and the existing landscaping, screening and pole barn.

The Applicants meet the prerequisites set forth in the Code because the Property is 8 acres in size and all vehicles and equipment will be either fully screened from view by appropriate landscaping on the Property or will be stored entirely within an enclosed building.

Request No. 2:

A Special Exception pursuant to Section 267-53(H)(1) of the Harford County Code to allow a construction services business in the Agricultural District (AG).

Justification:

Pursuant to Harford County Code, §267-53(H)(1), the Applicants are requesting a Special Exception to operate a construction services business on their agriculturally zoned property. The condition provided in Section 267-53(H)(1) that is a prerequisite to the granting of this Special Exception is that a buffer yard at least 10 feet wide be provided around all outside storage and parking areas when adjacent to a residential lot or visible from a public road.

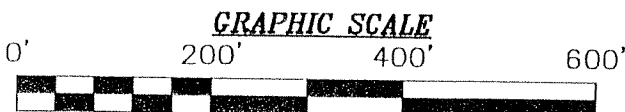
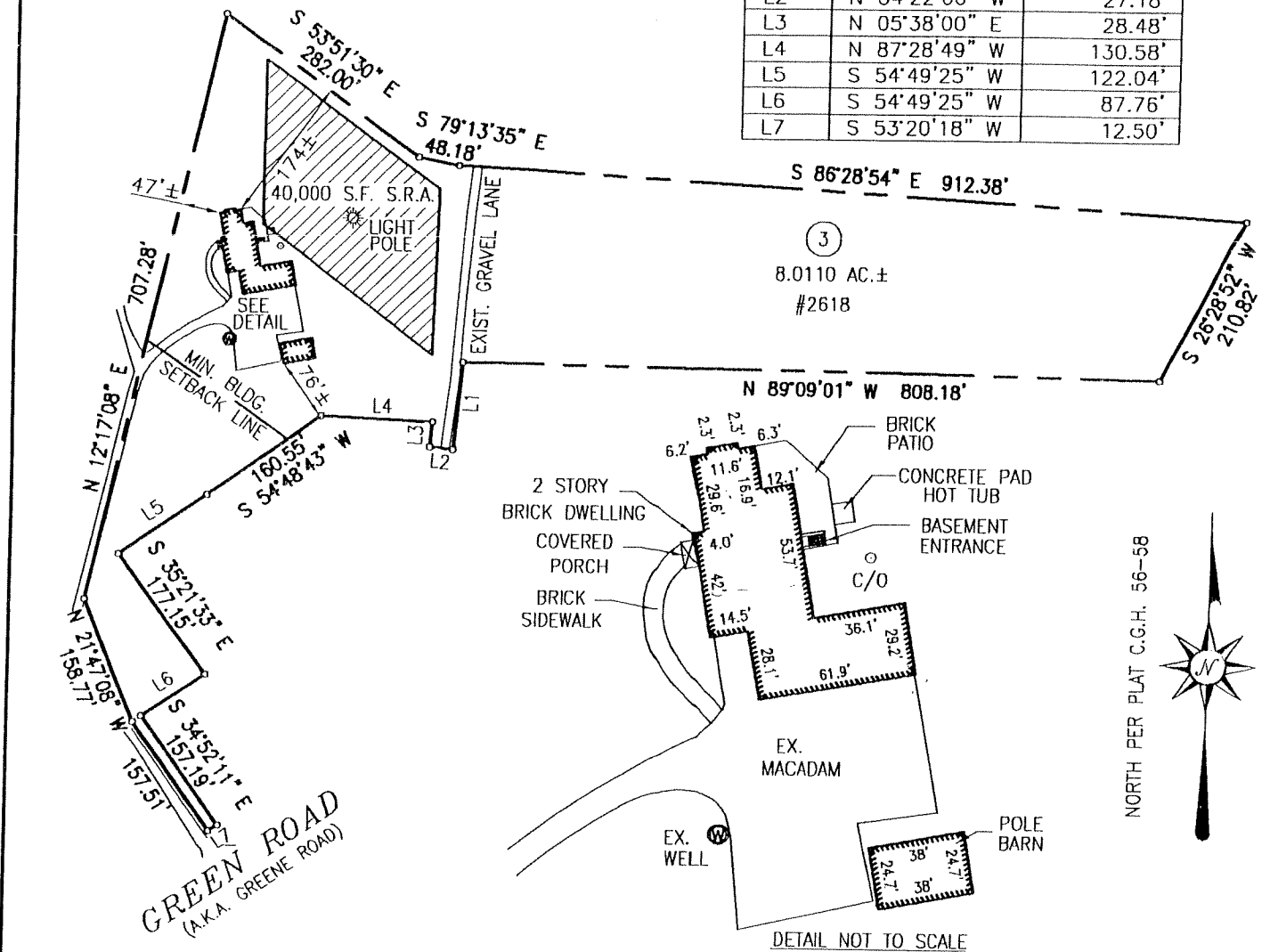
The Property is approximately 8 acres and is zoned AG. It is currently improved by a two-story residential dwelling, attached three-bay garage and a detached pole barn. Blake E. Canfield, one of the owners of the property, is the President of Blake Canfield and Son, Inc., which is a home improvement, construction business. The Applicants seeks approval to locate 4 commercial vehicles, 2 pieces of equipment, 5 trailers and 4 dumpsters on the site and to operate a construction services business on the Property. Any and all vehicles will be fully screened from view of adjacent residential lots and public roads. Attached hereto is a Landscaping Plan which clearly shows that, in compliance with the Zoning Code, the commercial vehicles and equipment will be fully screened from adjacent lots and public roads. Attached is an aerial photograph of the Property identifying and depicting the property, existing landscaping and screening.

The Property is approximately 8 acres in size and with the location of the improvements currently on the Property and the proposed Landscaping Plan, the Applicants will easily maintain a buffer yard at least 10 feet wide around the outside storage and parking areas that are adjacent to residential lots or visible from public roads.

One factor to be considered before granting a special exception request is whether the use on the Property will have an adverse impact on the adjoining properties. In this case, granting the requested Special Exceptions will not be substantially detrimental to the adjacent properties. The Applicants have been operating this business for a number of years with no negative impact on the adjacent property owners. The Property is over 8 acres in size and the operation of the business and the pole barn take up very little space on the Property, leaving the majority of the property undeveloped farm land. Most of the neighbors are presently fully screened from view and far enough away from the Property that the continuation of the construction services business and storage of the commercial vehicles will have no impact on them and their properties. Those that are not presently fully screened from view will be pursuant to the attached Landscaping Plan. Attached to this application are letters of support and consent from some of the adjoining property owners.

The operation of a construction services business and the storage of commercial vehicles and equipment will have no greater impact at this location than others similarly zoned. In fact, there will be less impact on this Property because it is 8 acres in size, substantially wooded, and screened from public roads. The location of the Property is also in close proximity to Baldwin Mill Road and Mountain Road and other arterial roads. The site distance from the Common Driveway for any commercial trucks or other vehicles entering Greene Road from the Property is very good and there has never been a traffic incident with any of the Applicants' vehicles entering Greene Road. Lot 2, 3 (the subject parcel) and 4 are also subject to a Declaration of Right-of-Way dated November 16, 1986 and recorded among the Land Records of Harford County in Liber C.G.H. No. 1363, folio 723. Said Declaration provides and establishes Rights-of-Way for common use by the owners of Lots 2, 3, and 4. Attached hereto are consent letters from the owners of Lots 2 and 4 consenting to and supporting the approval of the application and the continuing use of the common Right-of-Way by the applicant for truck traffic and use in their business.

LINE	BEARING	DISTANCE
L1	S 05°38'00" W	102.90'
L2	N 84°22'00" W	27.18'
L3	N 05°38'00" E	28.48'
L4	N 87°28'49" W	130.58'
L5	S 54°49'25" W	122.04'
L6	S 54°49'25" W	87.76'
L7	S 53°20'18" W	12.50'



NOTE: POSITIONS OF IMPROVEMENTS SHOWN  
HEREON IN RELATION TO PROPERTY LINES  
ARE WITHIN A TOLERANCE OF 2'±.

PLAT REF: C.G.H. 56-5B  
DEED REF: C.G.H. 1373/233

THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY  
INsofar AS IT IS REQUIRED BY A LENDER OR A  
TITLE INSURANCE COMPANY OR ITS AGENT IN CON-  
NECTION WITH CONTEMPLATED TRANSFER, FINANCING  
OR RE-FINANCING.

THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE  
IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT  
SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR  
THE TRANSFER OF TITLE OR SECURING FINANCING  
OR RE-FINANCING.

THIS PLAT IS NOT TO BE RELIED UPON FOR THE  
ESTABLISHMENT OR LOCATION OF FENCES, GARAGES,  
BUILDINGS, OR OTHER EXISTING OR FUTURE  
IMPROVEMENTS.

8-19-2005 *Joseph C. Thompson*  
DATE JOSEPH C. THOMPSON  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 21039



LOCATION DRAWING LOT 3  
FINAL PLAT LOTS 2 and 3  
LAND OF

**ANNA N. BERGMAN**

ELEC. DIST. NO.4

HARFORD COUNTY, MD.

**THOMPSON  
& McCORD**  
ASSOCIATES, LLC

LAND SURVEYORS & SITE DEVELOPMENT

402 N. HICKORY AVENUE SUITE B  
BEL AIR, MARYLAND  
410-803-0696

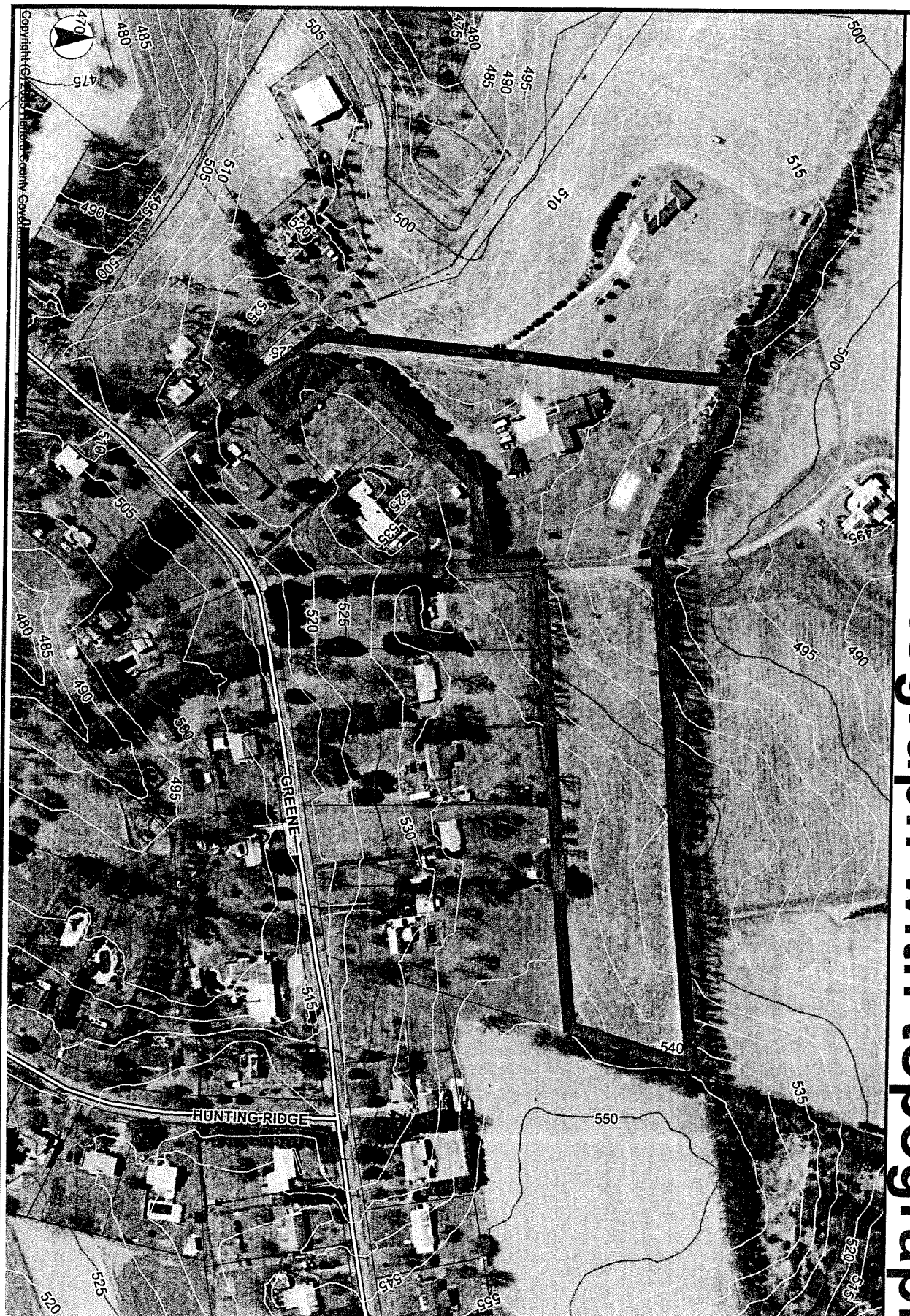
SCALE: 1"=200'

DATE: 8-19-05

DRAWN: J.R.O.

JOB NO.: 2778

# Aerial Photograph with topograph



DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

August 9, 2006

### STAFF REPORT

### **BOARD OF APPEALS CASE NO. 5553**

APPLICANT/OWNER: Blake E. Canfield  
2618 Greene Road, Baldwin, Maryland 21013

Co-APPLICANT: Peggy A. Canfield  
2618 Greene Road, Baldwin, Maryland 21013

REPRESENTATIVE: Meaghan G. Alegi, Esquire  
200 South Main, Street, Bel Air, Maryland 21014

LOCATION: 2618 Greene Road  
Tax Map: 47 / Grid: 1A / Parcel: 511 / Lot: 3  
Election District: Four (4)

ACREAGE: 8.01 Acres

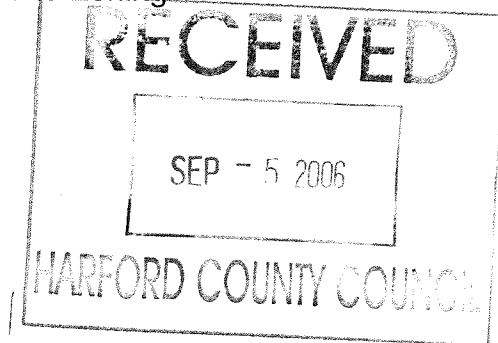
ZONING: AG/Agricultural

DATE FILED: June 8, 2006

HEARING DATE: September 11, 2006

### **APPLICANT'S REQUEST and JUSTIFICATION:**

See ATTACHMENT 1.



*Preserving Harford's past; promoting Harford's future*



## STAFF REPORT

Board of Appeals Case Number 5553

Blake & Peggy Canfield

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### **CODE REQUIREMENTS:**

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to allow commercial vehicle and equipment storage and a special exception pursuant to Section 267-53H(1) of the Harford County Code to allow construction services in the AG/Agricultural District.

Section 267-53D(1) of the Harford County Code reads:

*D. Motor Vehicle and related services.*

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*
  - (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*
  - (b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*
  - (c) A minimum parcel area of two (2) acres shall be provided.*

Section 267-53H(1) of the Harford County Code reads:

*H. Services. [Amended by Bill No. 97-54]*

- (1) Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to residential lot or visible from a public road.*

Enclosed with the report is copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicant's property is situated on the north side of Greene Road approximately 3200 feet west of Baldwin Mill Road (MD Route 165). A location map and a copy of the Applicant's site plan/landscaping plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope. The Village of Upper Cross is located to the east. The predominant Land Use designations in this area of the County

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are Agricultural and Rural Residential. The Natural Features Map reflects Sensitive Species Project Areas, stream buffers and Agricultural Preservation Districts and Easements. The subject property is designated as Rural Residential which defined by the 2004 Land Use Plan as:

***Rural Residential** – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

### Land Use – Existing:

The existing Land Uses conform to the overall intent of the 2004 Master Plan. The agricultural uses include cropland, pastureland and large areas of dense woodland. There are numerous single family residential subdivisions in the area. Commercial uses are generally located along MD Route 152. The topography for the area ranges from rolling to steep especially near the stream valleys. A topography map and a copy of the aerial photograph are enclosed with the report (Attachment 7 and 8).

The subject property is an irregular shaped parcel that is approximately 8.01 acres in size. The property is part of a subdivision that is recorded as the lands of Anna Bergman. The topography of the property is typical for this area of the County which ranges from rolling to steep. The existing improvements are located approximately 630 feet back from the road and screened from adjacent lots by a row of trees. Improvements consist of a 2-story brick and frame dwelling with a 4-car attached garage, a patio to the rear side of the dwelling with a hot tub, a detached metal pole building, a blacktopped driveway with a large parking and turning area between the dwelling and the detached garage/shop. To the rear of the house are a volley ball area and a wooden children's playground structure. Parked around the pole building and dwelling were 3-trailers, a camper, 2-trucks. There was a tractor/loader in the pole building. To the rear of the dwelling is a driveway across the subject property to a lot and dwelling to the rear. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 9 and 10).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural which includes the subject property. Other classifications include RR/Rural Residential VR/Village Residential, VB/Village Business and B1/Neighborhood Business Districts. Enclosed with the report is a copy of the Zoning Map (Attachment 11).

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### Zoning Enforcement:

The subject case is the result of a Zoning Enforcement Investigation. This Department received a complaint on July 29, 2005 that heavy equipment and dumpsters were on the property. A letter was sent on August 16, 2005, outlining the complaint and the findings of the site inspection. A pre-application meeting was held on August 29, 2005.

Permits were obtained for the additions to the dwelling, a concrete pad and the hot tub and a pole building. On March 29, 2006, the Applicant's Attorney advised the Department that she was recording the required Declaration to remove a restriction regarding the property usage prior to filing the BOA case. The Application to the Board of Appeals was filed on June 8, 2006. Enclosed with the report are copies from the Zoning Enforcement file for informational purposes only (Attachment 12).

### SUMMARY:

The Applicants are requesting a Special Exception pursuant to Section 267-53D(1) of the Harford County Code to allow commercial vehicle and equipment storage and a special exception pursuant to Section 267-53H(1) of the Harford County Code to allow construction services in the AG/Agricultural District.

Section 267-53D(1):

*D. Motor Vehicle and related services.*

- (1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provide that:*

The subject property is zoned AG/Agricultural.

- (a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*

The Applicants have a large paved parking area to the south side of the dwelling and to the west side of the pole building. The Applicants intend to park the vehicles and equipment either in this area or within the pole building and garage. This area is already screened from the properties fronting on Greene Road to the south. Along the property line are mature white pines and a hedge row approximately 40-foot wide. A similar row of screening runs along the rear property line on the adjoining property. The Applicant has submitted a landscaping plan to further screen the parking area. The existing and proposed landscaping will screen the use from the adjoining properties and Greene Road.

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- (b) *The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*

This section is not applicable to the subject request.

- (c) *A minimum parcel area of two (2) acres shall be provided.*

The Applicant's property is approximately 8.01 acres in size.

Section 267-53H(1):

H. *Services. [Amended by Bill No. 97-54]*

- (1) *Construction services and suppliers. These uses may be granted in the AG and VB Districts, provided that a buffer yard ten feet wide shall be provided around all outside storage and parking areas when adjacent to residential lot or visible from a public road.*

Based on the size of the property and proposed landscaping, the storage area will be adequately screened from adjacent dwellings and Greene Road.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The proposal should have little or no adverse impact on individuals working and living in the area. The Applicant has provided statements from some of their adjoining neighbors indicating that they have no objection to the requested Special Exceptions (Attachment 13).

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The proposal will not adversely impact traffic in the area. The applicants share a common driveway with two additional lots (Lots 2 and 4). The Applicants have provided statements from the owners of lots 2 and 4 stating that they have no objection to the Applicants request (Attachment 14).

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

## STAFF REPORT

Board of Appeals Case Number 5553

Blake & Peggy Canfield

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The use is permitted in the Agricultural District as a Special Exception with Board of Appeals Approval. The use will not have an adverse fiscal impact on the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The number of commercial vehicles and equipment proposed by this request will not have an adverse impact on the community based on the issues listed in this section of the Code.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Fallston and Jarrettsville Volunteer Fire Departments will provide fire protection and emergency service. The property is served by private well and septic system. A company of the Applicants choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The request is consistent with generally accepted planning principles and practices.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal should have no impact on any of the uses listed in this subsection.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal should have no impacts on surrounding natural features.

- (10) *The preservation of cultural and historic landmarks.*

The request should not impact any cultural or historic landmarks.

The Applicants have submitted a list of vehicles and equipment generally stored on the property (Attachment 15). They have also stated that the 3 commercial vehicles are usually stored in the existing 3-bay garage and the 3 pieces of equipment are usually stored in the pole building.

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Blake & Peggy Canfield


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**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall submit a detailed site plan to be reviewed and approved thru the Development Advisory Committee.
2. The applicant shall not exceed the existing number of vehicles, trailers and equipment as shown on Attachment 15. The Applicants may replace any vehicles, trailers and equipment as necessary.
3. The equipment, vehicles and trailers shall be stored within the existing garages and pole building or located in the parking area to the west of the pole building.
4. This approval is for the applicants use only and shall terminate should the property be sold or transferred.

  
\_\_\_\_\_  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
\_\_\_\_\_  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf